

ALVERSON TAYLOR & SANDERS  
LAWYERS  
6605 GRAND MONTECITO PKWY STE 200  
LAS VEGAS, NV 89149  
(702) 384-7000

1 J. BRUCE ALVERSON, ESQ.  
Nevada Bar No. 1339  
2 KARIE N. WILSON, ESQ.  
Nevada Bar No. 7957  
3 **ALVERSON TAYLOR & SANDERS**  
6605 Grand Montecito Pkwy, Ste. 200  
4 Las Vegas, NV 89149  
702-384-7000 Phone  
5 702-385-7000 Fax  
Attorneys for Defendants

7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA

9 LORI FORMICA; JOSHUA FORMICA and  
10 TYLER AKERS,

CASE NO:

11 Plaintiffs,

12 v.

13 RAMON DE LEON CARTER;  
14 MIHIR TRANSPORTATION, INC.;  
DOES 1-10; and ROE CORPORATIONS  
15 11-20, inclusive,

16 Defendants.

17 **DEFENDANT MIHIR TRANSPORTATION, INC.'S NOTICE OF REMOVAL**

18 TO: DEBRA KEMPI, Clerk, United States District Court for the District of Nevada

19 PLEASE TAKE NOTICE that Defendant MIHIR TRANSPORTATION, INC. hereby  
20 removes to this Court the state court action entitled "LORI FORMICA; JOSHUA FORMICA  
21 and TYLER AKERS, Plaintiff v. RAMON DE LEON CARTER; MIHIR TRANSPORTATION,  
22 INC., Defendants," Case No. A-19-806817-C filed in the Eighth Judicial District Court for the  
23 State of Nevada, County of Clark. A copy of the Complaint is attached hereto as Exhibit A. The  
24 grounds for removal are:

ALVERSON TAYLOR & SANDERS  
LAWYERS  
6605 GRAND MONTECITO PKWY STE 200  
LAS VEGAS, NV 89149  
(702) 384-7000

1           1.       This Court has original subject matter jurisdiction over this action pursuant to 28  
2 U.S.C. § 1332 and 28 U.S.C. §§ 1441(a)-(c), in that it is a civil action between Plaintiffs, citizens  
3 of Nevada, Defendants who are citizens of diverse residency, neither of which reside in Nevada,  
4 and the matter in controversy exceeds \$75,000.00, exclusive of interest and costs, as set forth  
5 below.

6           2.       Based upon information and belief, Plaintiffs LORI FORMICA; JOSHUA  
7 FORMICA and TYLER AKERS are all citizens of Clark County, Nevada, as indicated in the  
8 Complaint. *See* Complaint ¶ 1-3.

9           3.       Defendant RAMON DE LEON CARTER is a resident of the State of California,  
10 as indicated in the Complaint. *See* Complaint ¶ 4.

11           4.       Defendant MIHIR TRANSPORTATION, INC. is a corporation incorporated in  
12 California, with its principal place of business in California.

13           5.       The Defendants sued as DOES I through X, inclusive and ROE  
14 CORPORATIONS I through X, inclusive, are fictitious parties and not relevant to the  
15 determination of subject matter jurisdiction. *See* 28 U.S.C. § 1441(a) (stating “For purposes of  
16 removal under this chapter, the citizenship of defendants sued under fictitious names shall be  
17 disregarded”).

18           6.       Upon information and belief, the amount in controversy, exclusive of interest and  
19 costs, exceeds \$75,000.00. All three Plaintiffs were transported from the scene of the subject  
20 motor vehicle collision via ambulance to William Bee Ririe Hospital in Ely, Nevada. Officer  
21 Nelson Bleak of the Nevada Highway Patrol reported that Plaintiffs LORI FORMICA and  
22 TILER AKERS’ injuries rated “A” in severity and Plaintiff JOSHUA FORMICA allegedly  
23 sustained injuries rated “B.” As set forth in their Complaint, Plaintiffs allege that they were  
24 “seriously injured and caused to suffer intense physical and mental pain, shock, and agony, some

1 of which may be permanent and disabling in nature.” Complaint ¶ 15. Further, Plaintiffs alleged  
 2 loss of income, loss of future earning capacity, loss of household services, pain and suffering  
 3 damages, and hedonic damages. Complaint ¶ 17.

4 7. Venue is appropriate in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a)-  
 5 (b) and Local Rule 8-1. This action was originally brought in the Eighth Judicial District for  
 6 Clark County, State of Nevada.

7 8. This notice of removal is timely filed within thirty (30) days after receipt of the  
 8 paper that makes this case removable as required by 28 U.S.C. § 1446(b), in that it is filed within  
 9 thirty (30) days following the service of the Summons and Complaint. Defendant MIHIR  
 10 TRANSPORTATION, INC. was served with the Complaint on January 22, 2020. Upon  
 11 information and belief, Defendant RAMON DE LEON CARTER has not been served with the  
 12 Summons and Complaint.

13 12. Pursuant to 28 U.S.C. 1446(d), Defendant has prepared and will file with the  
 14 Clerk of the Eighth Judicial District Court a Notice of Removed Action.

15 Dated this 31st day of January, 2020.

16 ALVERSON TAYLOR & SANDERS

17 

18 J. BRUCE ALVERSON, ESQ.

19 Nevada Bar No. 1339

20 KARIE N. WILSON, ESQ.

21 Nevada Bar No. 7957

22 6605 Grand Montecito Pkwy, Ste. 200

23 Las Vegas, NV 89149

24 702-384-7000 Phone

702-385-7000 Fax

Attorneys for Defendants

ALVERSON TAYLOR & SANDERS  
 LAWYERS  
 6605 GRAND MONTECITO PKWY STE 200  
 LAS VEGAS, NV 89149  
 (702) 384-7000

**CERTIFICATE OF ELECTRONIC SERVICE**

I certify that on the 31st day of January, 2020, service of the above and foregoing  
**DEFENDANT MIHIR TRANSPORTATION, INC.'S NOTICE OF REMOVAL** was made  
by electronically filing a true and correct copy of the same to each party addressed as follows:

Brian K. Harris, Esq.  
[brian@harrislawyers.com](mailto:brian@harrislawyers.com)  
Christian N. Griffin, Esq.  
[cgriffin@harrislawyers.net](mailto:cgriffin@harrislawyers.net)  
HARRIS & HARRIS  
1645 Village Center Circle, Ste. 60  
Las Vegas, NV 89134  
702-880-4529 Phone  
702-880-4528 Fax  
Attorneys for Plaintiffs

*emanda  
lockwood*

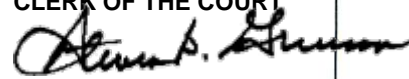
\_\_\_\_\_  
Employee of ALVERSON TAYLOR & SANDERS

ALVERSON TAYLOR & SANDERS  
LAWYERS  
6605 GRAND MONTECITO PKWY STE 200  
LAS VEGAS, NV 89149  
(702) 384-7000

n:\bruce.grp\z-client\26524\pleadings\notice removal.docx

## EXHIBIT A

Electronically Filed  
12/12/2019 10:42 AM  
Steven D. Grierson  
CLERK OF THE COURT



**COMP**  
**BRIAN K. HARRIS, ESQ.**  
Nevada Bar No. 7737  
**CHRISTIAN N. GRIFFIN, ESQ.**  
Nevada Bar No. 10601  
**HARRIS & HARRIS**  
1645 Village Center Circle, Suite 60  
Las Vegas, Nevada 89134-6371  
[Brian@harrislawyers.com](mailto:Brian@harrislawyers.com)  
702.880.4529 - Telephone  
702.880.4528 - Facsimile  
*Attorneys for Plaintiffs*

CASE NO: A-19-806817-C  
Department 23

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

LORI FORMICA; JOSHUA FORMICA	)	Case No.
TYLER AKERS	)	Dept. No.
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
RAMON DE LEON CARTER;	)	
MIHIR TRANSPORTATION, INC.;	)	
DOES 1-10; ROE CORPORATIONS	)	
11-20, inclusive,	)	
	)	
Defendants.	)	

**COMPLAINT**

Plaintiffs alleges as follows:

**I.**

**PARTIES AND JURISDICTION**

1. That at all times relevant hereto, Plaintiff **LORI FORMICA** was, and is, a resident of Clark County, State of Nevada.

2. That at all times relevant hereto, Plaintiff **JOSHUA FORMICA** was, and is, a resident of Clark County, State of Nevada.

3. That at all times relevant hereto, Plaintiff **TYLER AKERS** was, and is, a resident of Clark County, State of Nevada.

....

• • • •



II.

**FIRST CAUSE OF ACTION**  
***(Negligence as to Defendant RAMON DE LEON CARTER)***

10. Plaintiffs repeat, reallege, and incorporate by reference Paragraphs 1 through 9 above as if fully set forth herein.

11. At said time and place, Defendant **RAMON DE LEON CARTER** owed a duty to operate his vehicle in a safe, reasonable and prudent manner.

12. At said time and place, Defendant **RAMON DE LEON CARTER** owed a duty to operate his vehicle in a safe manner, including to the Plaintiffs.

13. In complete disregard of his duty, Defendant **RAMON DE LEON CARTER** drove his vehicle in an extremely reckless, negligent and careless manner.

14. Defendant **RAMON DE LEON CARTER** operated his vehicle, in such a manner as to cause serious and permanent injuries to the Plaintiffs.

15. As a direct and proximate result of the negligence of Defendant **RAMON DE LEON CARTER**, Plaintiffs were seriously injured and caused to suffer intense physical and mental pain, shock, and agony, some of which may be permanent and disabling in nature, aggravating to their general and compensatory damages in an amount in excess of **TWENTY FIVE THOUSAND DOLLARS (\$25,000.00)**.

16. As a further direct and proximate result of the negligence of Defendant **RAMON DE LEON CARTER**, Plaintiffs have incurred expenses for medical care, treatment and expenses incidental thereto, and Plaintiffs may be required in the future to incur expenses for medical care and treatment.

17. As a further direct and proximate result of the negligence of Defendant **RAMON DE LEON CARTER**, Plaintiffs sustained a loss of income, loss of future earning capacity, and loss of household services.

....



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

## SECOND CAUSE OF ACTION

4

5  
6

8  
9  
10  
11

12  
13  
14  
15

16  
17  
18  
19  
20

21  
22  
23  
24

25

24. As a further direct and proximate result of the negligence of Defendant **MIHIR TRANSPORTATION, INC.**, Plaintiffs sustained a loss of income, loss of future earning capacity, and loss of household services.

25. Plaintiffs have been required to retain the services of **HARRIS & HARRIS** to prosecute this action and are entitled to reasonable attorney's fees and costs incurred herein.

V.

**PRAYER FOR RELIEF**

**WHEREFORE** Plaintiffs pray for Judgment against the Defendants as follows:

1. For general and compensatory damages in an amount in excess of **TWENTY FIVE THOUSAND DOLLARS (\$25,000.00)**;

2. Damages for cost of medical care and treatment and costs incidental thereto in an amount in excess of **TWENTY FIVE THOUSAND DOLLARS (\$25,000.00)**;

3. Damages for future cost of medical care and treatment and costs incidental thereto in an amount in excess of **TWENTY FIVE THOUSAND DOLLARS (\$25,000.00)**;

4. Damages for lost earnings and loss of future earning capacity in an amount in excess of **TWENTY FIVE THOUSAND DOLLARS (\$25,000.00)**;

5. Damages for past and future household services in excess of **TWENTY FIVE THOUSAND DOLLARS (\$25,000.00)**;

6. Damages for Plaintiff's emotional distress, including, but not limited to pain and suffering and hedonic damages in an amount in excess of **TWENTY FIVE THOUSAND DOLLARS (\$25,000.00)**;

7. For reasonable attorney fees, costs of suit and interest incurred herein; and

....

....

....

....

8. For such other and further relief as the Court deems just and proper.

DATED this 12 day of December, 2019.

**HARRIS & HARRIS**

By: \_\_\_\_\_

**BRIAN K. HARRIS, ESQ.**

Nevada Bar No. 7737

**CHRISTIAN N. GRIFFIN, ESQ.**

Nevada Bar No. 10601

1645 Village Center Circle, Suite 60

Las Vegas, Nevada 89134-6371

702.880.4529 - Telephone

702.880.4528 - Facsimile

*Attorneys for Plaintiffs*

**H & H**  
**HARRIS & HARRIS**  
INJURY LAWYERS